



(Ireland.)

A

B I L L,

INTITLED,

AN ACT to abolish certain Offices connected with the Court of Chancery in *Ireland*, and to provide for the Performance of the Duties thereof.

Note.—The Figures in the Margin denote the Number of Presses in the Imprimment.

- 1 **W**H **E**R **E**A **S** it is expedient that the offices hereinafter mentioned should be abolished, and provisions made for the due performance of the duties thereunto belonging, and that other offices connected with the said Court should be regulated, and that such of the duties performed in the offices so to be abolished as are necessary to be continued should be transferred to other offices; **T**herefore **be it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, THAT the office of Clerk of the Crown and Hanaper in *Ireland* shall utterly cease from and after the determination of the existing interest of the present possessor of the said office; and that the offices of Usher of the said Court of Chancery, of Six Clerks of the said Court, and the office of Cursitor of the said Court, shall be and the same are hereby abolished: Provided always, That nothing herein contained shall be construed to deprive the present Usher of the Fees of Poundage which he is now by law entitled to receive, but that he shall receive the same as heretofore, any
- 2 thing in this Act to the contrary notwithstanding.

Possible.

1.
Office of Clerk of the Crown and Hanaper, and Offices of Usher, Six Clerks, and Cursitor of Court of Chancery abolished.

2.
Appointment
of new Clerk
of Crown and
Hansper;
his Salary and
Duties.

And be it further Enacted, That upon such determination of the interest of the present possessor of the said office of Clerk of the Crown and Hansper, it shall and may be lawful for His Majesty, His heirs and successors, under His and their Royal Sign Manual, to nominate and appoint a fit person to be Clerk of the Crown and Hansper, and so from time to time as a vacancy may occur therein; and that such person so to be nominated and appointed shall hold the said office during good behaviour, notwithstanding the demise of His Majesty, or of any of His heirs and successors; and that the persons so to be appointed to such office shall receive and be paid a salary of Six hundred Pounds *per Annum*, and shall and they are hereby required personally to do and perform all such matters and things necessary and proper in the due execution of the business of the said office, and as have been heretofore done and performed by the Deputy of the said Clerk of the Crown and Hansper.

3.
Clerk of the
Crown and
Hansper to
employ two
Clerks, and
receive and
account for
Fees raised in
4 Geo. 4. c. 61.

And be it further Enacted, That the said Clerk of the Crown and Hansper shall and may employ Two Clerks in his office, to be approved of by the Lord Chancellor, to aid in the discharge of the duties thereof, at the respective salaries of One hundred and fifty Pounds and One hundred Pounds *per annum*; and that it shall and may be lawful for the said Clerk of the Crown and Hansper to receive and take all and every the fees and emoluments mentioned and set forth in the Table, No. 10, annexed to an Act passed in the fourth year of the reign of his late Majesty, intituled, "An Act for the better Administration of Justice in the Court of Chancery in *Ireland*;" and that the said Clerk of the Crown and Hansper shall be at liberty thereout to retain his salary, and to pay the respective salaries to the said clerks, and other incidental and necessary expenses of the said office, to be approved of by the Lord Chancellor; and that such fees and emoluments shall be accounted for on oath once in every Quarter before one of the Masters of the said Court, and the balance, if any, paid into the Bank of *Ireland* within Fourteen Days from the end of every Quarter, to the credit of the Accountant General of the Court of Chancery, to be by him placed to an account to be intituled, "The Sutors' Fee Fund Account;" and in case such fees shall not be sufficient to pay the several salaries, and the other incidental expenses of the said office, the deficiency shall be paid out of the monies standing to the credit of the Sutors' Fee Fund Account.

4.
Appointment
of Clerk of the
Affidavits and
One Assistant,
with Scriven-
ary Clerks;
their Salaries
and Duties.

And be it further Enacted, That there shall be an officer to be called the Clerk of the Affidavits, who shall do and perform all the duties heretofore done and performed by the Usher of the Court or his Deputy; and that there shall be one Assistant Clerk to the said Clerk of the Affidavits, with one or more Scrivenary Clerks as shall appear

appear necessary for the due discharge of the duties of the office, to be approved of by the Lord Chancellor; and that *Charles Hogan*, Esquire, one of the present Six Clerks, shall be such Clerk of Affidavits, and *Simon Maddack* such Assistant Clerk; and that upon the happening of a vacancy in the office of Clerk of Affidavits or Assistant Clerk, the Lord Chancellor shall appoint some fit person thereto, by writing under his hand, to be entered in the Registrar's Office of the said Court; and such Clerk of Affidavits shall be allowed out of the fees to be received the annual sum of Six hundred Pounds, the Assistant Clerk the annual sum of One hundred and fifty Pounds, and the Scrivenary Clerk or Clerks such salary or salaries or allowances as the Lord Chancellor from time to time shall direct; and that such Clerk of Affidavits and his Clerk shall and may take and receive such fees as are now receivable by the Usher, save and except the poundage on cash paid out of Court; and the said Clerk of Affidavits shall and may therewith retain and deduct the respective sums hereby made payable to him and the Assistant Clerk respectively, together with such other sum for the salaries or allowances to the Scrivenary Clerks, and the incidental and necessary expenses of the office, as the Lord Chancellor may from time to time allow, and shall account for such fees in the manner hereinafter mentioned; and that in ascertaining and fixing the compensation of the said *Charles Hogan* under the provisions of this Act, in relation to the said office of Six Clerk so abolished as aforesaid, due regard shall be had to the said office of Clerk of Affidavits, to which the said *Charles Hogan* has been so appointed under this Act in manner aforesaid.

And be it further Enacted, That it shall be the duty of such Clerk of Affidavits to cause every copy of Affidavit to be duly compared with the original from which it shall be made, before he shall attest the same, and that such Clerk of Affidavits shall be responsible for the accuracy of every copy so attested by him.

5.
Clerk of Affidavits to compare and attest Copies of Affidavits

And be it further Enacted, That in order to provide for such of the duties heretofore performed by and in the Office of the Six Clerks as are necessary to be continued, and also for the duties which are now performed in the Office of Cursitor of the Court, there shall be the several Officers following; (vizt) Two Officers, to be called Clerks in Court, whose duty it shall be, one to attend the Lord Chancellor's Court, and the other the Rolls Court, for the purpose of reading all documents necessary to be read in Court, and discharging such other duties as shall be prescribed to them under the General Orders to be made by the Lord Chancellor, with the advice and assistance of the Master of the Rolls, in manner hereinafter enacted; and an Officer to be called Clerk of the Appearances and Writs; and that there shall be

6.
Appointment of Two Clerks in Court, and Clerk of Appearances and Writs, with Two Assistants.

Two Assistant Clerks to the said Clerk of the Appearances and Writs; and that *John William Ball* and *Henry Darley*, Esquires, two of the present Six Clerks, shall be Clerks in Court, and *Ydeberton Dawson*, Esquire, one other of the present Six Clerks, Clerk of the Appearances and Writs; and *Nicholas Keatinge*, Esquire, and *John Albert Moss*, the Assistant Clerks; and that on the death, resignation or removal of any of the said several Officers, the vacancy thereby occasioned shall be filled up from time to time by the Master of the Rolls, by an appointment in writing, to be entered in the Registrar's Office; and that in ascertaining and fixing the compensation to the said *John William Ball*, *Henry Darley* and *Ydeberton Dawson*, due regard shall be had to the said offices to which they have been so respectively appointed under this Act.

7.
Lord Chancellor
and Master
of the Rolls to
make Rules
for performance
of Duties
of abolished
Officers.

And be it further Enacted, That the duties of the several Officers, and such of the duties of the said Six Clerks as may be necessary to be performed by any of the other Officers of the Court, or by the solicitors of the parties, shall be performed in such manner and under such rules and regulations as the Lord Chancellor, by and with the advice and assistance of the Master of the Rolls, shall by any General Rules or Orders to be issued for that purpose order or direct; and that all notices, summonses, orders and other matters which have heretofore been served by and on the said Six Clerks shall be served by and on the solicitors of the parties, save where it shall be otherwise directed by such General Rules or Orders to be issued as aforesaid; and such Solicitors shall be entitled to charge such fee for such duties as the Lord Chancellor, with the assistance of the Master of the Rolls, shall by General Order fix and determine; and that the Signature by the Solicitor to all pleadings and documents heretofore required to be signed by the Six Clerks shall be deemed and taken as sufficient.

8.
Writ of Subpoena to be an
open Writ,
and sealed
with the Seal
of the Clerk of
Appearances
and Writs.

And be it further Enacted, That the Clerk of the Appearances and Writs shall provide a Seal, in such form and with such impression as the Lord Chancellor shall approve of; and that the Solicitor for the party desirous of issuing a Writ of Subpoena may prepare such Subpoena, and present the same to the Clerk of the Appearances and Writs for sealing, and the same shall henceforth be an open Writ, and either in the present form or any other form which the Lord Chancellor may from time to time direct; and such Writ shall, upon presentment thereof for that purpose, be forthwith sealed with such Seal, and shall have the same force and validity as a Writ of Subpoena now has when sealed with the Great Seal; and there shall hereafter be paid to the Clerk of the Appearances and Writs for each such Subpoena, on the same being sealed, such sum as the Lord Chancellor, with the advice

and assistance of the Master of the Rolls, shall from time to time order and direct.

And be it further Enacted, That the Clerk of the Appearances and Writs shall receive, in such manner as the Lord Chancellor, with the assistance of the Master of the Rolls, shall by General Order from time to time direct, the fees which by law are now receivable by the Six Clerks, or so many of such fees as shall be deemed necessary for the purpose of paying the salaries hereby made payable thereout to the several Officers, and of forming a fund for making compensation to such Six Clerks, and shall also receive the fees now receivable by the Curator of the said Court, and shall and may thereout pay and retain the several annual sums following; (that is to say) to the Two Clerks in Court the annual sum of Six hundred Pounds each, the Clerk of the Appearances and Writs the annual sum of Six hundred Pounds, to the First Assistant Clerk the annual sum of Three hundred Pounds, and to the Second Assistant Clerk the annual sum of One hundred and fifty Pounds, together with such other sum for the incidental and necessary expenses of their offices respectively as the Lord Chancellor may from time to time allow; and such Clerk of Appearances and Writs shall account for such fees in manner hereinafter mentioned.

9.
Clerk of Appearances and Writs to receive the Fees now payable to the Six Clerks and Curator, and thereout disburse Salaries, &c.

And be it further Enacted, That the Clerk of Affidavits and the Clerk of the Appearances and Writs shall respectively pay into the Bank of *Ireland*, to the credit of the said Accountant General, such sums of money as they shall respectively receive, at such periods and under such regulations as the Lord Chancellor shall from time to time by any General Order direct; and that they shall respectively account on oath once in every quarter before one of the Masters of the said Court for all fees and sums of money received and paid by them respectively, and shall pay the balance thereof into the Bank of *Ireland*, to the credit of the said Accountant General, within Fourteen Days from the end of every quarter; and all such sums of money when so paid in shall be from time to time placed to the account of the "Suitors' Fee Fund Account."

10.
Clerks of Affidavits and of Appearances and Writs to account quarterly for Monies received by them, and Balance to be carried to the Suitors' Fee Fund Account.

AND whereas it is expedient that the Office of the Registrars of the said Court should be regulated; therefore BE it Enacted, That the Establishment of the Registrars' Office shall consist of Two Registrars, One Assistant Registrar and Six Clerks, and such a number of Scrivenary Clerks as the service of the said office shall require, and as shall be approved of by the Lord Chancellor; and that *Francis Prendergast* and *Charles O'Keefe*, Esquires, shall continue to be such Registrars, and *Robert Long*, Esquire, shall be the Assistant Registrar, and *Yehoerton O'Keefe*, *John Kelly*, *William Young*, *Robert*

11.
New Establishment of the Registrars' Office.

Levy, John Cusner and Thomas Batley shall be continued as such Clerks, and that *Francis Whelan and John Kelly, junior*, shall act as Assistant Clerks in the said Office; and that upon the happening of a vacancy in the office of either of the said Registrars, such vacancy shall be filled up by the Assistant Registrar; and that upon a vacancy happening in the office of Assistant Registrar, the same shall be filled up by the Chief Clerk, if no sufficient objection to the satisfaction of the Lord Chancellor shall be made; and in case the Lord Chancellor shall not consider him to be qualified, then the Lord Chancellor shall, until after mentioned, appoint some proper person to be Assistant Registrar; and as vacancies may occur in the office of any of the present Clerks or Assistant Clerks, such vacancies shall not be filled up until the whole number of Clerks be reduced to Six; and upon a vacancy happening after the number shall be reduced to Six, the Lord Chancellor shall appoint some proper person to fill the office, and so from time to time until the whole of the present Clerks shall be removed; and when a new succession of Clerks shall be so appointed, then and in that case, upon the death, resignation or removal of any of them, other than the junior Clerk, the vacancy thereby occasioned shall be filled up by the Clerk next in seniority to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made; and that on all future vacancies in the office of junior Clerk the Lord Chancellor shall appoint some proper person to be such junior Clerk; and that upon a vacancy happening in the office of Assistant Registrar after the whole number of Clerks shall have been appointed by the Lord Chancellor under this Act, then such vacancy shall be filled up by the senior Clerk in the said office for the time being to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made.

12.
Duties of
Registrars and
Assistant
Registrar.

And be it further Enacted, That the said Registrars shall attend the Court of the Lord Chancellor and the Court of the Master of the Rolls as heretofore; and that the duty of the Assistant Registrar shall be to attend and superintend the general business of the office; and such Assistant Registrar shall be and he is hereby empowered to countersign the drafts of the Accountant General, and to sign official documents, and do all official acts necessary in the execution of the duties of the office, in the same manner as the said Registrars are authorized to do.

13.
Limitation of
Salaries of
Registrars.

Provided always nevertheless, and be it further Enacted, That in case such fees, after payment of the several salaries aforesaid, and such sum as the Lord Chancellor for the time being may allow for books, paper, Scrivener Clerks and other incidental and necessary expenses of the said office, shall exceed in amount the clear sum of Two thousand Pounds

Pounds *per Annum* to each of the present Registrars, and One thousand five hundred Pounds *per Annum* to any future Registrar to be appointed; such excess shall be paid over as after mentioned; and
 13 that any person to be hereafter appointed Registrar on the happening of a vacancy in the office of either of the present Registrars, the fees and emoluments of such future Registrar shall be limited to the clear sum of One thousand five hundred Pounds *per Annum*.

And be it further Enacted, That for the purpose of ascertaining the fees and emoluments of the Registrars for the time being, they shall every quarter in the year, beginning on the quarter next after the commencement of this Act, account on oath before one of the Masters of this Court for all fees and sums of money received by them or for their use, and of the sums from time to time paid by them thereout for salaries to the several officers aforesaid, and for other official expenses to be allowed as aforesaid; and whenever and so often as it shall appear by such account that the sums received by or payable to such Registrars in any one quarter of a year shall exceed the clear sum of Five hundred Pounds to each of the present Registrars, or of Three hundred and seventy-five Pounds to any future Registrar to be appointed (after deducting thereout the salaries and expenses aforesaid), the said Registrars shall, within Fourteen Days next after every such quarter of a year, pay the amount of such excess into the Bank of Ireland, to the credit of the Accountant General of the said Court,
 14 to be placed by him to the account to be intitled, "The Suitors' Fee Fund Account."

14.
Registrars
to account
quarterly for
Fees received
by them.

And be it further Enacted, That if at any time it shall appear by the said account that the sums received by or for the use of the Registrars in respect of their said office in any one quarter, after making the deductions hereinbefore mentioned, shall be less than the sum of Five hundred Pounds to each of the present Registrars, and Three hundred and seventy-five Pounds to any future Registrar, the deficiency shall be paid to them by the said Accountant General out of the monies standing to the credit of "The Suitors' Fee Fund Account."

15.
For making
good deficiency in
Registrars' Salaries.

And be it further Enacted, That if it shall hereafter appear to the Lord Chancellor that the business of any of the offices of the said Court cannot be discharged with due despatch without the assistance of an additional Clerk or Clerks, then and in such case it shall be lawful for the Lord Chancellor from time to time to direct that one or more additional Clerk or Clerks shall be appointed, with such salary and salaries as he shall deem proper, to be paid out of the funds of
 15 the respective offices to which such Clerk or Clerks shall be appointed; and such additional Clerk or Clerks shall be appointed by the Judge

16.
For appoint-
ment of addi-
tional Clerks.

for the time being who may have the right of appointing the other Clerks in the said office.

17.
Officers may
appoint De-
puties in case
of illness.

And be it further Enacted, That in case of illness or other necessary cause of absence, it shall be lawful for any of the Officers filling the respective Offices hereinbefore mentioned, from time to time as occasion may require, to appoint a Deputy, such Deputy, and also the occasion for such appointment, to be first approved by the Judge on whom it shall be the duty of such Officer to attend, upon a Petition, to be verified by Affidavit, for such time and under such Regulations as the Judge shall direct; and no such appointment of a Deputy shall continue for any longer time than shall be allowed and specified in and by the Order which shall be made on such Petition; and that such Deputy shall be paid out of the salary or fees of such Officer such sum as shall be directed by the said Order.

18.
Officers not
to act as
Attorneys or
Solicitors on
pain of Dis-
missal.

And be it further Enacted, That it shall not be lawful for any Person who shall be appointed to hold any of the Offices of the said Court to act or practise, either in his own name or in the name of any other Person or Persons, as an Attorney or Solicitor in any of the Courts at Law or Equity in *Ireland*; and in case it shall appear by evidence to the satisfaction of the Lord Chancellor, that any such Officer or Person shall directly or indirectly, by himself or any other Person in partnership with or in trust for him, act as such Attorney or Solicitor, the Lord Chancellor shall and may thereupon remove him from his Office.

19.
Fee of *6d* in
the pound
payable to
the Usher to
continue till
cessation of
Compensation
to Officers.

AND whereas it may be found expedient that the fee of Sixpence in the Pound payable to the Usher of the Court of Chancery, or some portion thereof, should continue to be paid after the death of the present Usher in aid of the Fund for providing Compensation for the several Officers aforesaid; BE it Enacted, That such fee of Sixpence in the Pound now payable to the Usher shall be continued to be deducted by the Accountant General during the life of the Honourable *Richard Holart Fitzgibbon*, the present Usher, and be paid over to him; and that in case after his death the Lord Chancellor shall consider it necessary that said fee or any portion thereof shall be continued for the purpose of providing a fund for the payment of the Compensation to be made to the said Officers or any of them, it shall be lawful for him to make an order for continuing the payment of said fee or any portion thereof for any period he may think necessary, and from time to time to vary such order as he may think fit; and the Accountant General shall during the period specified in said order place the sums received in pursuance thereof to the credit of the said Account to be intitled, "The Sutors' Fee Fund Account," any thing in the said

referred

recited Act to the contrary notwithstanding : Provided always however, That whenever the Compensation to be made to the several Officers aforesaid shall cease to be payable, the said fee shall absolutely cease and be abolished.

And be it further Enacted, That any surplus monies standing in the name of the Accountant General to the account aforesaid, after paying and providing for the several charges thereon, shall from time to time be laid out and invested by the Accountant General, either in one entire sum or in parcels, in the name of the said Accountant General, in Government stock ; and such stock shall be placed to the like account, and such surplus funds shall be subject to the same purposes, as the original funds with which the same were purchased.

And be it Enacted, That whenever it shall appear that the monies and securities standing to the account to be intituled, "The Suitors' Fee Fund Account," together with the interest and dividends thereof, and the fees expectant and to be payable to such account, shall be more than sufficient to answer and pay the several salaries and other payments for the time being chargeable thereon, it shall be lawful for the Lord Chancellor from time to time seem fit, and as the compensations payable thereout may cease.

And be it further Enacted, That no payment of any sum or sums of money to be made under or by virtue of this Act, shall be subject to the payment of Usher's Poundage : And provided also, That every Order to be made for the transfer, investment or payment of any money under this Act or any of the provisions thereof shall be free of and discharged from the payment of any fee whatsoever to any officer of the said Court.

And be it further Enacted, That it shall be lawful for all Extraordinary Commissioners of the Court of Chancery, and they are hereby authorized and empowered to take in *England or Scotland* the acknowledgment of recognizances by parties and others in suits and matters depending in the said Court, in such and the same manner as the Masters in Ordinary of the Court of Chancery may now take according to the practice of the said Court respectively.

And be it Enacted, That any Commission of Bankrupt issued or to be issued in *Ireland* after the First day of July in the year of our Lord One thousand eight hundred and Thirty-six, founded on any Trading or Act of Bankruptcy carried on or committed prior to the said First day of July One thousand eight hundred and Thirty-six, shall

20.
Surplus of
Suitors' Fee
Fund to be
invested in
Government
Stock.

21.
When Suitors'
Fee Fund
more than
sufficient for
answering
Salaries, &c.,
the Chancellor
may abolish
any Fee.

22.
Payment, and
orders for pay-
ment, &c. of
Money not
subject to
Usher's
Poundage,
or any Fee.

23.
Extraordinary
Commissioners
may take acknow-
ledgments of
Recogni-
zances.

24.
Commission
of Bankrupt
issued after
1st July 1836,
to have the
same effect as
if issued before
that day.

shall have the same force and effect as if such Commission had issued prior to the said First day of July One thousand eight hundred and Thirty-six; and that in every case the Petitioning Creditor or Creditors may prove his or their Debt or Debts before the Commissioner of Bankrupt in *Ireland*, in the same manner as all other Creditors of the Bankrupt are permitted to prove their Debts respectively.

25.
Powers of Act
may be exer-
cised by Lord
Keeper or
Lords Com-
missioners as
well as Lord
Chancellor.

And be it further Enacted, That the powers and authorities given by this Act to the Lord Chancellor shall and may be exercised in like manner and are hereby given to the Lord Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal respectively, for the time being.

26.
Commence-
ment of Act.

And be it further Enacted, That this Act shall commence and take effect from and after the Twentieth day of October next.

27.
Act may be
altered, &c.
this Session.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Court of Chancery (Ireland).

A
B I L L,

INTRODUCED,

AN ACT to abolish certain Offices connected with the Court of Chancery in *Ireland*, and to provide for the Performance of the Duties thereof.

Enacted, by The House of Commons, in the Fourth

of July 1836.